

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Status of the Claims

Claims 1-31 are pending. Claims 1, 5, 21, and 25 are currently amended. No claims have been canceled. No claims are added. No new matter has been added.

Summary of the Office Action

Claims 25-31 stand rejected under 35 U.S.C. §112, first paragraph.

Claims 1, 5, 7-13, 15-17, 20-21, and 25-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by European Patent No. 1,076,329 of Kanevski et al. (hereinafter "Kanevski").

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevski in view of U.S. Patent Application Publication No. 2002/0193991 of Bennett et al. (hereinafter "Bennett").

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevski in view of U.S. Patent Application Publication No. 2002/0163533 of Trovato et al. (hereinafter "Trovato").

Claims 4, 18-19, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevski in view of U.S. Patent No. 6,073,095 of Dharanipragada et al. (hereinafter "Dharanipragada").

Claims 6 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over in view of Dharanipragada.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kanevski in view of Dremedia—Cutting to the Heart of Technology: Dremedia XML technology (hereinafter “Dremedia”).

Claims 24, 29, and 31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Rejections under 35 U.S.C. § 112

Claims 25-31 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. More specifically, the Office Action asserts that claim 25 is not enabled because the software engine is purely functional descriptive material and because claim 25 is a single means claim. For clarification, the enablement, functional descriptive material, and single means assertions do not all fall under 35 U.S.C. § 112, first paragraph. While the question of enablement, including whether or not a single means claim is enabled, is an issue under § 112, first paragraph, whether claimed subject matter is functional descriptive material is an issue under 35 U.S.C. § 101.

With regard to enablement, the Office Action states that the specification enables a computer readable medium to store software code having one or more attribute filters to detect attributes from an audio information stream, identify the attributes, and assign a time ordered indication with each of the identified attributes. The Office Action fails to point out how the claimed subject matter of claim 25 differs from the computer readable medium and software code that the Office Action concedes is enabled by the specification.

According to M.P.E.P. § 2164.04, the burden is on the Examiner to establish a reasonable basis to question the enablement of the claimed subject matter. Several factors to consider are provided in M.P.E.P. § 2164.01(a), including the breadth of the claims, the nature of the invention, the state of the prior art, the level of one skilled in the art, the level of predictability in the art, the amount of direction provided by the inventor, the existence of working examples, and the quantity of experimentation needed to make

or use the invention based on the content of the disclosure. The Office Action fails to consider any of these factors.

The Office Action states, although incorrectly, that claim 25 is a single means claim. The Federal Circuit upheld a determination in In re Hyatt, 708, F.2d 712 (Fed. Cir. 1983), that a single means claim does not meet the requirements of § 112. However, claim 25 is not a single means claim as defined in In re Hyatt. Foremost, claim 25 does not include any limitations that invoke means-plus-function interpretation under § 112, sixth paragraph. In order to invoke § 112, sixth paragraph, a claim limitation must use “means for” language and must not be modified by sufficient structure, material, or acts for achieving the specified function. M.P.E.P. § 2181. Although the M.P.E.P. also states that lack of “means for” language does not prevent a limitation from being construed as a means-plus function limitation, the M.P.E.P. provides no guidelines for making such a determination. Nevertheless, claim 25 does not use “means for” language and is modified by sufficient structure in the form of a computer readable medium (refer to M.P.E.P. § 2106 which states, “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium.”). Therefore, the limitations of claim 25 are not subject to interpretations as “means-plus-function” limitations under § 112, sixth paragraph.

Moreover, even if *arguendo* a limitation of claim 25 were to invoke § 112, sixth paragraph, claim 25 would still not be single means claim under In re Hyatt. Specifically, In re Hyatt considers a claim that drawn to a single element, not a combination. The Federal Circuit clarified that § 112, sixth paragraph, allows means-plus-function limitations that are claimed as a part of a combination. Claim 25 is drawn to a combination, rather than a single element, and is consequently not a single element claim. In particular, claim 25 recites multiple elements, including the combination of a software engine and a computer readable medium. Claim 25 cannot be interpreted to be a single element claim because it recites a combination of limitations. Therefore, claim 25 is not a single element means claim under In re Hyatt. Accordingly, the Office Action’s single means rejection is misplaced and Applicant respectfully requests that the rejection of claims 25-31 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Furthermore, the Office Action's further reliance on the assertion that the claimed subject matter is functional descriptive material under § 101 is misplaced. The M.P.E.P. discusses functional descriptive material in § 2106 with regard to the patentability of the subject matter of computer-related inventions. In that section, the M.P.E.P. specifically states, "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." M.P.E.P. § 2106(IV)(B)(1). Therefore, a claim that recites a software engine and a computer readable medium to store the software engine is statutory in most cases. The M.P.E.P. establishes no limitations on claiming the combination of software and computer readable medium as an apparatus. The Office Action fails to provide any support for the apparent assertion that claim 25 recites nonpatentable subject matter because the assertion that the software engine is purely functional descriptive material is taken out of context when all of the limitations of claim 25, including the computer readable medium limitation, are not considered as a whole. Additionally, whether or not the software engine is purely functional descriptive material is irrelevant to the issue of enablement under § 112, first paragraph. Therefore, such a statement does not establish a basis for the assertion that claim 25 is not enabled.

Given that claim 25 is not a single means claim and is not, as a whole, purely functional descriptive material, the Office Action fails to satisfy the burden to establish a reasonable basis to question the enablement of the claimed subject matter. Therefore, Applicant respectfully asserts that claims 25-31 are properly enabled under 35 U.S.C. § 112, first paragraph. Accordingly, Applicant requests that the rejection of claims 25-31 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Response to Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 5, 7-13, 15-17, 20-21, and 25-28 under 35 U.S.C. § 102(e) as being anticipated by Kanevski. Applicant respectfully requests withdrawal of these rejections because the cited reference fails to disclose all of the limitations of the claims.

CLAIMS 1-4

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Kanevski. With regard to claim 1, Applicant respectfully submits that claim 1 is patentable over the cited reference because Kanevski does not disclose all of the limitations of claim 1. Amended claim 1 recites:

A method comprising:

identifying attributes including one or more types of accents and one or more types of human languages from **a multi-party audio information stream**;

encoding each identified attribute from the audio information stream into a time ordered index, each of the identified attributes sharing a **common time reference**; and

comparing results from different human language models at approximately the same time to generate **an integrated time ordered index** of the identified attributes.

(Emphasis added).

In support of the rejection, the Office Action states, in part:

. . . Kanevski et al. teach[es]: . . . identifying attributes including one or more types of accents (col 4, line 41) and one or more types of human languages (native language, col 4, line 41) from an audio information stream (conversation with a user, figure 5, element 404); Office Action, 09/02/05, p. 3 (emphasis added).

Applicant respectfully submits that Kanevski fails to disclose all of the limitations of the claim. In particular, Kanevski does not disclose a multi-party audio information stream. Additionally, Kanevski does not disclose a common time reference and an integrated time ordered index.

Kanevski is directed to a method for collecting data associated with the voice of a voice system user. Kanevski, abstract. When a user interacts with the apparatus, the apparatus captures the speech waveforms of the user and extracts acoustic features associated with user attributes. Kanevski, col. 4, lines 17-39. Although the user may be speaking to a machine or another human, Kanevski merely discloses capturing and analyzing speech waveforms associated with utterances spoken by a single user. Kanevski, col. 4, lines 22-26. Kanevski does not disclose capturing speech waveforms from multiple speakers. Additionally, Kanevski is silent regarding the possibility of

processing acoustic features of multiple speakers. Moreover, Kanevski fails to disclose how the apparatus might process acoustic features of multiple speakers.

Furthermore, Kanevski does not disclose a common time reference. Although the Office Action asserts that Kanevski discloses a common time reference at col. 11, lines 30-33, the cited reference only discloses storing attribute data with at least one identifying indicia. The reference is silent as to a common time reference. Even if the identifying indicia were a time stamp, Kanevski merely discloses individual time stamps. Kanevski does not disclose any type of relationship among the various time stamps and, therefore, fails to disclose a common time reference. Moreover, Kanevski does not disclose an integrated time ordered index. The Office Action asserts that Kanevski discloses an integrated time ordered index at col. 11, lines 37-39, but the reference merely describes using a time stamp as an identifying indicia. Kanevski does not disclose creating an index of any type. Even if Kanevski discloses a time stamp indicia, Kanevski does not disclose creating an integrated time ordered index. Kanevski merely describes storing the attribute data in a data warehouse, but does not describe how the attribute data is stored within the data warehouse.

In contrast, claim 1 recites “identifying attributes including one or more types of accents and one or more types of human languages from a multi-party audio information stream.” Claim 1 also recites “a common time reference” and “an integrated time ordered index.” For the reasons stated above, Kanevski fails to disclose all of the limitations of claim 1. In particular, Kanevski does not disclose identifying attributes including one or more types of accents and one or more types of human languages from a multi-party audio information stream. Kanevski also fails to disclose a common time reference and an integrated time ordered index. Given that the cited reference fails to disclose all of the limitations of claim 1, Applicant respectfully submits that claim 1 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 102(e) be withdrawn.

Given that claims 2-4 depend from independent claim 1, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 2-4 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 2-4 under 35 U.S.C. § 103(a) be withdrawn.

CLAIMS 5-20

Claim 5 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Kanevski. With regard to claim 5, Applicant respectfully submits that claim 5 is patentable over the cited reference because Kanevski does not disclose all of the limitations of claim 5. Amended claim 5 recites:

A machine-readable medium that stores instructions, which when executed by a machine, cause the machine to perform operations comprising:

identifying attributes including one or more types of accents and one or more types of human languages from **a multi-party audio information stream**;

encoding each identified attribute from the audio information stream into a time ordered index, each of the identified attributes sharing **a common time reference**; and

comparing results from different human language models at approximately the same time to generate **an integrated time ordered index** of the identified attributes.

(Emphasis added).

In support of the rejection, the Office Action relies on the same statements reproduced above.

Applicant respectfully submits that Kanevski fails to disclose all of the limitations of the claim. In particular, Kanevski does not disclose a multi-party audio information stream. Additionally, Kanevski does not disclose a common time reference and an integrated time ordered index.

Furthermore, Kanevski does not disclose a common time reference. Although the Office Action asserts that Kanevski discloses a common time reference at col. 11, lines 30-33, the cited reference only discloses storing attribute data with at least one identifying indicia. The reference is silent as to a common time reference. Even if the identifying indicia were a time stamp, Kanevski merely discloses individual time stamps. Kanevski does not disclose any type of relationship among the various time stamps and, therefore, fails to disclose a common time reference. Moreover, Kanevski does not disclose an integrated time ordered index. The Office Action asserts that Kanevski discloses an integrated time ordered index at col. 11, lines 37-39, but the reference merely describes using a time stamp as an identifying indicia. Kanevski does not disclose creating an

index of any type. Even if Kanevski discloses a time stamp indicia, Kanevski does not disclose creating an integrated time ordered index. Kanevski merely describes storing the attribute data in a data warehouse, but does not describe how the attribute data is stored within the data warehouse.

Kanevski is directed to a method for collecting data associated with the voice of a voice system user. Kanevski, abstract. When a user interacts with the apparatus, the apparatus captures the speech waveforms of the user and extracts acoustic features associated with user attributes. Kanevski, col. 4, lines 17-39. Although the user may be speaking to a machine or another human, Kanevski merely discloses capturing and analyzing speech waveforms associated with utterances spoken by a single user. Kanevski, col. 4, lines 22-26. Kanevski does not disclose capturing speech waveforms from multiple speakers. Additionally, Kanevski is silent regarding the possibility of processing acoustic features of multiple speakers. Moreover, Kanevski fails to disclose how the apparatus might process acoustic features of multiple speakers.

Furthermore, Kanevski does not disclose a common time reference. Although the Office Action asserts that Kanevski discloses a common time reference at col. 11, lines 30-33, the cited reference only discloses storing attribute data with at least one identifying indicia. The reference is silent as to a common time reference. Even if the identifying indicia were a time stamp, Kanevski merely discloses individual time stamps. Kanevski does not disclose any type of relationship among the various time stamps and, therefore, fails to disclose a common time reference. Moreover, Kanevski does not disclose an integrated time ordered index. The Office Action asserts that Kanevski discloses an integrated time ordered index at col. 11, lines 37-39, but the reference merely describes using a time stamp as an identifying indicia. Kanevski does not disclose creating an index of any type. Even if Kanevski discloses a time stamp indicia, Kanevski does not disclose creating an integrated time ordered index. Kanevski merely describes storing the attribute data in a data warehouse, but does not describe how the attribute data is stored within the data warehouse.

In contrast, claim 5 recites “identifying attributes including one or more types of accents and one or more types of human languages from a multi-party audio information stream.” Claim 5 also recites “a common time reference” and “an integrated time ordered

index.” For the reasons stated above, Kanevski fails to disclose all of the limitations of claim 5. In particular, Kanevski does not disclose identifying attributes including one or more types of accents and one or more types of human languages from a multi-party audio information stream. Kanevski also fails to disclose a common time reference and an integrated time ordered index. Given that the cited reference fails to disclose all of the limitations of claim 5, Applicant respectfully submits that claim 5 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 5 under 35 U.S.C. § 102(e) be withdrawn.

Given that claims 6-20 depend from independent claim 5, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 6-20 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 7-13, 15-17, and 20 under 35 U.S.C. § 102(e) and claims 6, 14, and 18-19 under 35 U.S.C. § 103(a) be withdrawn.

CLAIMS 21-22

Claim 21 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Kanevski. With regard to claim 21, Applicant respectfully submits that claim 21 is patentable over the cited reference because Kanevski does not disclose all of the limitations of claim 21. Amended claim 21 recites:

An apparatus, comprising:

means for identifying attributes including one or more types of accents and one or more types of human languages from **a multi-party audio information stream**;

means for encoding each identified attribute from the audio information stream into a time ordered index, each of the identified attributes sharing **a common time reference**; and

means for comparing results from different human language models at approximately the same time to generate **an integrated time ordered index** of the identified attributes.

(Emphasis added).

In support of the rejection, the Office Action relies on the same statements reproduced above.

Applicant respectfully submits that Kanevski fails to disclose all of the limitations of the claim. In particular, Kanevski does not disclose a multi-party audio information

stream. Additionally, Kanevski does not disclose a common time reference and an integrated time ordered index.

Kanevski is directed to a method for collecting data associated with the voice of a voice system user. Kanevski, abstract. When a user interacts with the apparatus, the apparatus captures the speech waveforms of the user and extracts acoustic features associated with user attributes. Kanevski, col. 4, lines 17-39. Although the user may be speaking to a machine or another human, Kanevski merely discloses capturing and analyzing speech waveforms associated with utterances spoken by a single user. Kanevski, col. 4, lines 22-26. Kanevski does not disclose capturing speech waveforms from multiple speakers. Additionally, Kanevski is silent regarding the possibility of processing acoustic features of multiple speakers. Moreover, Kanevski fails to disclose how the apparatus might process acoustic features of multiple speakers.

Furthermore, Kanevski does not disclose a common time reference. Although the Office Action asserts that Kanevski discloses a common time reference at col. 11, lines 30-33, the cited reference only discloses storing attribute data with at least one identifying indicia. The reference is silent as to a common time reference. Even if the identifying indicia were a time stamp, Kanevski merely discloses individual time stamps. Kanevski does not disclose any type of relationship among the various time stamps and, therefore, fails to disclose a common time reference. Moreover, Kanevski does not disclose an integrated time ordered index. The Office Action asserts that Kanevski discloses an integrated time ordered index at col. 11, lines 37-39, but the reference merely describes using a time stamp as an identifying indicia. Kanevski does not disclose creating an index of any type. Even if Kanevski discloses a time stamp indicia, Kanevski does not disclose creating an integrated time ordered index. Kanevski merely describes storing the attribute data in a data warehouse, but does not describe how the attribute data is stored within the data warehouse.

In contrast, claim 21 recites “identifying attributes including one or more types of accents and one or more types of human languages from a multi-party audio information stream.” Claim 21 also recites “a common time reference” and “an integrated time ordered index.” For the reasons stated above, Kanevski fails to disclose all of the limitations of claim 21. In particular, Kanevski does not disclose identifying attributes

including one or more types of accents and one or more types of human languages from a multi-party audio information stream. Kanevski also fails to disclose a common time reference and an integrated time ordered index. Given that the cited reference fails to disclose all of the limitations of claim 21, Applicant respectfully submits that claim 21 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 21 under 35 U.S.C. § 102(e) be withdrawn.

Given that claim 22 depends from independent claim 21, which is patentable over the cited reference, Applicant respectfully submits that dependent claim 21 is also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 22 under 35 U.S.C. § 103(a) be withdrawn.

CLAIMS 25-31

Claim 25 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Kanevski. With regard to claim 25, Applicant respectfully submits that claim 25 is patentable over the cited reference because Kanevski does not disclose all of the limitations of claim 25. Amended claim 25 recites:

An apparatus comprising:

a software engine having one or more attribute filters to detect attributes from **a multi-party audio information stream**, identify the attributes, and assign a time ordered indication with each of the identified attributes, the software engine having an index control module to facilitate **an integrated time order indexing of the identified attributes**;

a computer readable medium to store the software engine.

(Emphasis added).

In support of the rejection, the Office Action relies on the same statements reproduced above.

Applicant respectfully submits that Kanevski fails to disclose all of the limitations of the claim. In particular, Kanevski does not disclose a multi-party audio information stream. Additionally, Kanevski does not disclose an integrated time ordered indexing of the identified attributes.

Kanevski is directed to a method for collecting data associated with the voice of a voice system user. Kanevski, abstract. When a user interacts with the apparatus, the apparatus captures the speech waveforms of the user and extracts acoustic features

associated with user attributes. Kanevski, col. 4, lines 17-39. Although the user may be speaking to a machine or another human, Kanevski merely discloses capturing and analyzing speech waveforms associated with utterances spoken by a single user.

Kanevski, col. 4, lines 22-26. Kanevski does not disclose capturing speech waveforms from multiple speakers. Additionally, Kanevski is silent regarding the possibility of processing acoustic features of multiple speakers. Moreover, Kanevski fails to disclose how the apparatus might process acoustic features of multiple speakers.

Furthermore, Kanevski does not disclose an integrated time ordered indexing of identified attributes. The Office Action asserts that Kanevski discloses an integrated time ordered index at col. 11, lines 37-39, but the reference merely describes using a time stamp as an identifying indicia. Kanevski does not disclose creating an index of any type. Even if Kanevski discloses a time stamp indicia, Kanevski does not disclose creating an integrated time ordered index. Kanevski merely describes storing the attribute data in a data warehouse, but does not describe how the attribute data is stored within the data warehouse.

In contrast, claim 25 recites “a software engine having one or more attribute filters to detect attributes from a multi-party audio information stream.” Claim 25 also recites “an integrated time ordered indexing of the identified attributes.” For the reasons stated above, Kanevski fails to disclose all of the limitations of claim 25. In particular, Kanevski does not disclose a software engine having one or more attribute filters to detect attributes from a multi-party audio information stream. Kanevski also fails to disclose an integrated time ordered indexing of identified attributes. Given that the cited reference fails to disclose all of the limitations of claim 25, Applicant respectfully submits that claim 25 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 25 under 35 U.S.C. § 102(e) be withdrawn.

Given that claims 26-31 depend from independent claim 25, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 26-31 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 26-28 under 35 U.S.C. § 102(e) be withdrawn.

Response to Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 2-4, 6, 14, 18, 19, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable Kanevski and/or other prior art. Applicant respectfully requests withdrawal of these rejections because the cited reference fails to teach or suggest all of the limitations of the claims. With regard to claims 2-4, 6, 14, 18, 19, and 22, Applicant respectfully submits that these claims depend from allowable independent claims, for the reasons described above, and are therefore allowable. Accordingly, Applicant requests that the rejection of claims 2-4, 6, 14, 18, 19, and 22 under 35 U.S.C. § 103(a) be withdrawn.

CLAIMS 23-24

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanevski. With regard to claim 23, Applicant respectfully submits that claim 23 is patentable over the cited reference because Kanevski does not teach or suggest all of the limitations of claim 23. Claim 23 recites:

A machine-readable medium that stores instructions, which when executed by a machine, cause the machine to perform operations comprising:
converting spoken words in an information stream to written text,
the information stream containing audio information; and
generating a separate encoded file for every word, wherein each encoded file shares a common time reference.
(Emphasis added).

In support of the rejection, the Office Action states, in part:

Further, Kanevski et al. teach[es] **generating a separate encoded file for a user attribute**, wherein each encoded file shares a common time reference (data warehouse, col 13, line 48, with **each warehouse entry understood to mean a file**, with an identifying indicia, col 13, line 47, to indicate [a] relative location of one user attribute—account). Kanevski et al. however, do[es] not teach having an entry/file for each word used in an audio stream. However, **the examiner takes Official Notice that an artisan would recognize the need to have an entry for each word from the audio stream instead of the user attribute**, such as accent, so that the word could be found easily during a query.
Office Action, 09/02/05, pp. 10-11 (emphasis added).

Applicant respectfully disagrees with the Office Action's characterization of the prior art because the cited combination of prior art and Official Notice fails to teach or

suggest all of the limitations of the claim. In particular, Kanevski does not teach or suggest generating a separate encoded file for every word. Additionally, the Office Action's purported Official Notice regarding having separate entries for each word also fails to teach or suggest generating a separate encoded file for every word and, moreover, contravenes the teachings of Kanevski such that it would be inappropriate to combine the Examiner's Official Notice assertion with the teachings of Kanevski.

Kanevski is directed to a method for collecting data associated with the voice of a voice system user. Kanevski, abstract. When a user interacts with the apparatus, the apparatus captures the speech waveforms of the user and extracts acoustic features associated with user attributes. Kanevski, col. 4, lines 17-39. The apparatus stores all of the attribute data in a data warehouse in a form to facilitate subsequent data mining thereon. Kanevski, col. 11, lines 29-34; col. 13, lines 43-51. As the Office Action correctly states, Kanevski does not teach storing each word in a separate entry or file.

Moreover, the Examiner's Official Notice is misplaced because a data warehouse entry is not the same as a file. Therefore, the foundation on which the Examiner relies to take Official Notice is incorrect. A conventional data warehouse is a database or a collection of databases, each database include separate records or entries of data. Each entry may have multiple fields in which to store data. A collection of records may be referred to as a file. In other words, a database (or file) may have multiple records (or entries). Therefore, entries are different from files. Accordingly, even if the Examiner's Official Notice assertion were correct, the purported recognition of a need to store each word in a separate entry within a database is not the same as generating a separate encoded file for every word. Consequently, the Examiner's Official Notice fails to establish that one of skill in the art would recognize a need to generate a separate encoded file for every word.

In contrast, claim 23 recites "generating a separate encoded file for every word." For the reasons stated above, Kanevski fails to teach or suggest all of the limitations of claim 23. In particular, Kanevski does not teach or suggest generating a separate encoded file for every word. Given that the cited reference fails to teach or suggest all of the limitations of claim 23, Applicant respectfully submits that claim 23 is patentable over

the cited reference. Accordingly, Applicant requests that the rejection of claim 23 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

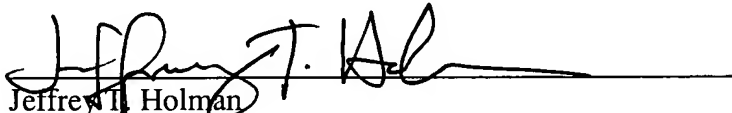
In conclusion, applicants respectfully submit that in view of the arguments and amendments set forth herein, the applicable rejections are moot or have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Jeffrey Holman at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11/18/05


Jeffrey H. Holman
Reg. No. 51,812

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300